

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-11 remain pending in this application, with Claims 1 and 5 being independent. Claims 9 and 11 have been amended herein.

Initially, Applicant respectfully requests that the Examiner indicate consideration of Applicant's claim to priority and submission of the certified copy of the priority document on October 21, 2003. Favorable consideration is requested.

Claims 9 and 11 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Without conceding the propriety of this rejection, Claims 9 and 11 have been amended along the lines suggested by the Examiner. Accordingly, the § 101 rejection is believed to be resolved.

Claims 1, 2, 5, 6, 9/1, 9/2, 10/5, 10/6, 11/5, and 11/6 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2005/0063566 (Beek et al.). Claims 3/1, 3/2, 7/5, and 7/6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beek et al. in view of U.S. Patent No. 7,050,607 (Li et al.). Claims 4/1, 4/2, 8/5, and 8/6 were rejected over Beek et al. in view of U.S. Patent Application Publication No. 2003/0123713 (Geng). These rejections are respectfully traversed.

Independent Claims 1 and 5 recite, *inter alia* inputting information attached to an input image. An angle range used in a process of detecting a face from the input image is

determined on the basis of the input image attached information. It is respectfully submitted that Beek et al does not disclose or suggest these features.

In Beek et al, ranging unit 30 inputs information that it determines on its own through a laser diode based distance-measuring device. Note paragraphs [0034] and [0040]. This information is then used by a camera unit controller 40 to make its calculation. Applicant submits that the data output by the ranging unit 30 in Beek et al is not information attached to the image, but data to produce a scene to be photographed by the camera. The ranging unit does not perform in accordance with the operation of the camera, but operates separately from the operation of the camera. Range data is input separately from the input image and the range data and the input image are connected by camera unit controller 40.

Thus, Beek et al fails to disclose or suggest at least inputting information attached to an input image and determining an angle range used in a process of detecting a face from the input image on the basis of the input image attached information, as is recited in independent Claims 1 and 5. Moreover, the noted features are not believed to be remedied by the remaining citations of record. Nevertheless, in order to expedite allowance, Applicant is submitting herewith a sworn translation of the Japanese priority document, Japanese Application No. 2002-220764. This establishes an effective filing date of no later than July 30, 2002, for the subject matter disclosed in the priority document. Thus, Beek et al is removed as a reference with respect to that subject matter.

Accordingly, reconsideration and withdrawal of the § 103 rejections are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1 and 5. Dependent Claims 2-4 and 6-11 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
MAW:yr

DC_MAIN 276090v1